



Council Communication

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CARRIE BOSLEY, INTERIM HUMAN RESOURCES MANAGER X6859

THROUGH: PATRICK BANGER, TOWN MANAGER X6864

MEETING DATE: APRIL 19, 2012 Contract No. 2012-1501-0245

SUBJECT: CONTRACT- CONSIDER APPROVAL OF A TWO (2) YEAR
CONTRACT RENEWAL WITH JOHN EDWARD HUDSON AS
PRESIDING JUDGE OF THE GILBERT MUNICIPAL COURT

STRATEGIC INITIATIVE: N/A

LEGAL REVIEW

✓ Complete

N/A

FINANCIAL REVIEW

✓ Complete

✓ N/A

RECOMMENDED MOTION

MOTION TO AUTHORIZE THE MAYOR TO EXECUTE A TWO (2) YEAR CONTRACT REAPPOINTING JOHN EDWARD HUDSON AS PRESIDING JUDGE IN THE GILBERT MUNICIPAL COURT, BEGINNING MAY 1, 2012

BACKGROUND/DISCUSSION

The Code of Gilbert provides for two year appointments for the Presiding Judge and all other judges of the Municipal Court. The current Contract for John E. Hudson expires April 30, 2012.

Staff has prepared the attached two year Contract with Presiding Judge Hudson for reappointment and compensation in accordance with the law. The Contract provides for the same compensation subject to increases and decreases consistent with other Department Directors and for an annual performance review. The new contract will expire on April 30, 2014.

Renewal of the Contract is in the Court and the Town's best interests. The Contract was reviewed as to form by Attorney Kelly Y. Schwab.

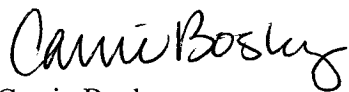
FINANCIAL IMPACT

There is no financial impact to Gilbert.

STAFF RECOMMENDATION

Judicial matters are to the discretion of the Council.

Respectfully submitted,

A handwritten signature in black ink that reads "Carrie Bosley". The signature is written in a cursive, flowing style.

Carrie Bosley
Interim Human Resources Manager

Attachments and Enclosures: Contract and Classification Description

TOWN OF GILBERT, ARIZONA
CONTRACT FOR PRESIDING JUDGE SERVICES

THE TOWN OF GILBERT, ARIZONA, hereby contracts with **JOHN EDWARD HUDSON (“Hudson”)**, for judicial services with the following agreements, provisions, and stipulations:

- (1) Gilbert desires to appoint Hudson as Presiding Judge of the Gilbert Municipal Court and Hudson desires to accept such appointment subject to the terms and conditions of this Contract.
- (2) Gilbert and Hudson recognize the executive and judicial branches of government are constitutionally separate and courts must be independent, unfettered and free from directive, influence and interference from any extraneous source.
- (3) Gilbert and Hudson acknowledge the budget and financial constraints of Gilbert which may require an adjustment in compensation in accordance with the terms of this Contract to address such constraints.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained therein, the parties agree as follows;

- (1) Hudson shall serve as Presiding Judge of the Gilbert Municipal Court as prescribed by the Ordinances of the Town of Gilbert, Arizona, Arizona State Statutes and all governing rules of the Court as promulgated by the Arizona Supreme Court.
- (2) Hudson shall fulfill the duties set forth in the Job Classification Description for Presiding Judge of the Gilbert Municipal Court, and manage the Court to achieve the performance goals for this contract period as attached as Exhibit A to this Contract. A performance review shall be conducted on an annual basis.
- (3) Hudson shall answer and report directly to the Mayor and Common Council of the Town of Gilbert, Arizona.
- (4) Hudson may only be removed from the office of Presiding Judge of the Gilbert Municipal Court during the term of this Contract for cause. Cause includes but is not limited to failure to comply with the Judicial Canons of Ethics, failure to comply with federal, state and local laws, and failure to perform any duties set forth in the job classifications description.
- (5) This Contract shall be a term of two (2) years, beginning on the 1st day of May, 2012 and terminating on the 30th day of April, 2014, and shall be considered a full-time appointment, with full employee benefits.

- (6) Compensation: Hudson shall be compensated \$156,000.00 annually on a biweekly schedule. Subsequent increases or decreases in compensation shall be based on the average change in compensation paid to all other department director level positions and shall be provided to at the time provided to all other department director level positions. Gilbert and Hudson agree such adjustment is an automatic adjustment based on the above formula and is not in violation of Arizona Constitution IV, Part 2, Section 17, or other applicable statutes or case law.
- (7) Benefits: Hudson shall receive all other benefits available to all other Gilbert employees as to vacation, sick leave, holidays, insurances and retirement programs and shall conform to the rules and regulations regarding their payment, accrual and use.

DATED the _____ day of _____, 2012.

TOWN OF GILBERT

By _____
John W. Lewis, Mayor

ATTEST:

Catherine Templeton, CMC
Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan,
Udall & Schwab, P.L.C.
Town Attorneys
By: Kelly Y. Schwab, Esq.

EMPLOYEE

By _____
John E. Hudson
Presiding Judge

TOWN OF GILBERT, ARIZONA CLASSIFICATION DESCRIPTION

CLASSIFICATION TITLE: PRESIDING JUDGE, MUNICIPAL COURT

PURPOSE OF CLASSIFICATION

The purpose of this classification is to manage the staff, resources, and adjudication activities of the Municipal Court and to perform duties of a municipal judge.

ESSENTIAL FUNCTIONS

The following duties are essential functions for this position. The omission of a specific statement of an essential function does not exclude it from the classification if the work is integral to the reason the position is established and is similar, related, or a logical assignment for this classification.

Participates in the accomplishment of organizational, departmental and workgroup goals and objectives.

Exhibits a service orientation toward customers and maintains productive working relationships.

Manages the Municipal Court Department in accordance with published standards and requirements of the Arizona Supreme Court and the Maricopa County Superior Court Presiding Judge; establishes court policies and procedures; establishes and implements a case management system for the office; assigns and re-assigns cases to judges; reviews operations; ensures compliance with applicable statutory mandates such as U.S. and State Constitution, Arizona Revised Statutes; Rules of the Court and State and federal case law; evaluates Court performance; and implements continuous quality improvement practices.

Directs the Court's operational and administrative functions including the adjudication of Court cases and proceedings, the Court's accounting functions, court docket, jury functions; establishment and maintenance of court files, records and databases; and the receipt, processing and preparation of legal documents, forms and correspondence.

Develops, plans, implements and manages departmental programs, services, resources and staff; formulates master plans, long and short range goals and objectives and other strategic direction for the department; develops policies and procedures; ensures that operations comply with policies, procedures and related regulations; and directs the implementation of program and services through subordinate managers, supervisors and staff. Evaluates efficiency and effectiveness of department operations, procedures, and efficient and effective use of resources; implements improvements.

Manages the department's resources; prepares and manages the Court's financial and human resources in accordance with approved budget from the Council; reviews expenditures; and identifies and justifies the need for additional resources and support.

Performs the work of a Municipal Judge; conducts and presides over legal proceedings and cases; explains charges, rights and procedures; appoints counsel to defendants; determines public defender fees; selects court dates; determines conditions of release for charged defendants; issues arrest warrants or modifies/revokes bond or release conditions when a defendant has violated conditions of release.

Supervises, directs, and evaluates assigned staff, processing employee concerns and problems, directing work, counseling, disciplining, and completing employee performance appraisals.

Town of Gilbert, Arizona • Presiding Judge, Municipal Court

Prepares and submits court activity reports to the Arizona Supreme Court's administrative office and Town Clerk in accordance with published requirements from those agencies.

Receives and reviews all case/proceeding related communications, orders, motions, letters and reports; ensures all parties receive copies and are afforded opportunity to respond; reviews original documents; and ensures they are filed in accordance with constitutional, procedural and ethical rules.

Reads and analyzes legal documents and supporting documentation for each case/type of legal proceeding; operates tape recorder during proceedings; oversees jury selection; provides instructions to jurors; calls each case; identifies parties present; administers oaths; listens to arguments; analyzes admitted evidence; applies applicable laws, statutes and other legal instructions; ensures there are no potential conflicts of interest; controls verbal communications between parties; and ensures court operations comply with legal and ethical rules.

Based upon evidence, arguments, constitutional rights, procedures and the rules of law, makes decisions throughout the lifecycle of each proceeding; makes final decision/ruling on proceedings, motions and appeals; and renders a verdict or receives and pronounces the jury's verdict.

Conducts guilty and no contest plea proceedings and sentencing; discusses settlement negotiations.

Conducts sentencing hearings; explains verdicts, procedures, and sentences; calculates fines, fees and restitution; selects payment due dates; selects confinement dates and determines whether to permit work release; and explains probationary terms.

Prepares and submits necessary legal forms, records and paperwork required to document each decision and each step/phase of the legal proceedings/cases.

Responds to questions, complaints, inquiries pertaining to the Court, its policies and procedures, and actions taken; resolves complaints and sensitive issues; interacts with Town management, prosecutors, law enforcement personnel and other municipal courts; represents the Court to professional and community groups, the general public and the media; and appears before the Town Council upon request.

Oversees the design and functionality of the new constructed of and/or renovations to court facilities.

Operates a personal computer and general office equipment as necessary to complete essential functions, to include the use of word processing, spreadsheet, database, or other system software.

ADDITIONAL FUNCTIONS

Performs other related duties as required.

MINIMUM QUALIFICATIONS

A Presiding Municipal Court Judge shall be a member in good standing of State Bar of Arizona; and have at least five years of experience as a full time judge in an Arizona Court of limited jurisdiction.

PERFORMANCE APTITUDES

Data Utilization: Requires the ability to coordinate, manage, and/or correlate data. Includes exercising judgment in determining time, place and/or sequence of operations, referencing data analyses to determine necessity for revision of organizational components, and in the formulation of operational strategy.

Human Interaction: Requires the ability to apply principles of negotiation. Performs such in formal situations within the context of legal guidelines.

Equipment, Machinery, Tools, and Materials Utilization: Requires the ability to operate, maneuver and/or control the actions of equipment, machinery, tools, and/or materials used in performing essential functions.

Verbal Aptitude: Requires the ability to utilize consulting and advisory data and information, as well as reference, descriptive and/or design data and information as applicable.

Mathematical Aptitude: Requires the ability to perform addition, subtraction, multiplication and division; ability to calculate decimals and percentages; may include ability to perform mathematical operations with fractions; may include ability to compute discount, interest, and ratios; may include ability to calculate surface areas, volumes, weights, and measures.

Functional Reasoning: Requires the ability to apply principles of logical or scientific thinking to implement both intellectual and practical relationships. Involves responsibility for consideration and analysis of complex organizational problems of major functions.

Situational Reasoning: Requires the ability to exercise judgment, decisiveness and creativity in situations involving broader aspects of organizational programs and operations, moderately unstable situations, or the direction, control and planning of an entire program or set of programs.

ADA COMPLIANCE

Physical Ability: Tasks require the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and/or pulling of objects and materials of light weight (5-10 pounds). Tasks may involve extended periods of time at a keyboard or work station.

Sensory Requirements: Some tasks require the ability to perceive and discriminate sounds and visual cues or signals. Some tasks require the ability to communicate orally.

Environmental Factors: Performance of essential functions may require exposure to adverse environmental conditions such as violent, rude/irate customers.

The Town of Gilbert, Arizona is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Town will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.